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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

THE TATTOO GUIDE, an entity of unknown
origin and nature; and HOWARD
LARRABEE, an individual,

Defendants.

Case No.: 2:10-cv-02087

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against The Tattoo Guide (“The
Tattoo Guide”) and Howard Larrabee (“Mr. Larrabee”; collectively with The Tattoo Guide
known herein as the “Defendants”) on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. The Tattoo Guide is, and has been at all times relevant to this lawsuit, an entity of unknown origin and nature.

5. Attempts to find evidence of the formal organizational status in the respective Secretary of State offices of Delaware, California, Illinois, Nevada, New York, Texas and Tennessee demonstrate that, at least with respect to these states, The Tattoo Guide is not a formally organized business entity.

6. Mr. Larrabee is, and has been at all times relevant to this lawsuit, the owner of the Internet domain found at <tattooswithmeaning.com> (the “Domain”).

7. The Tattoo Guide is, and has been at all times relevant to this lawsuit, the self-proclaimed owner of the copyright(s) in the work(s) posted as part of the content accessible through the Domain (said content accessible through the Domain and the Domain itself known herein as the “Website”), as evidenced by a copyright notice displayed on the Website: “© 2009 The Tattoo Guide”.

JURISDICTION

8. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

9. Righthaven is the owner of the copyright in the literary work entitled: “Dealer calls golfer ‘one loose cannon’” (the “Work”), attached hereto as Exhibit 1.

11. The Defendants willfully copied, on an unauthorized basis, a substantial and significant portion of the Work from a source emanating from Nevada.

13. At all times relevant to this lawsuit, the Infringement has depicted and depicts the original source publication as the Las Vegas *Review-Journal*.

15. At all times relevant to this lawsuit, the Defendants knew that the Infringement was and is of specific interest to Nevada residents.

17. At all times relevant to this lawsuit, the Infringement occurred and continues to occur in Nevada.

VENUE

20. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1400 (a), because the Defendants are subject to personal jurisdiction in Nevada.

FACTS

21. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(5).

22. Righthaven is the owner of the copyright in and to the Work.

23. The Work was originally published on or about October 20, 2010.

24. On November 23, 2010, the United States Copyright Office (the “USCO”) received Righthaven’s official submittal for the registration to the Work, including the application, the deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-523738369, and attached hereto as Exhibit 3 is the official USCO application submittal for the Work depicting the occurrence of the Complete Application.

25. On or about October 29, 2010, the Defendants displayed, and continue to display, the Infringement on the Website.

26. The Defendants did not seek permission, in any manner, to reproduce, display, or otherwise exploit the Work.

27. The Defendants were not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

28. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 27 above.

29. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).

30. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

31. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. § 106(3).

32. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C. § 106(5).

1 33. The Defendants reproduced the Work in derogation of Righthaven's exclusive
2 rights under 17 U.S.C. § 106(1).

3 34. The Defendants created an unauthorized derivative of the Work in derogation of
4 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

5 35. The Defendants distributed, and continue to distribute, an unauthorized
6 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
7 17 U.S.C. § 106(3).

8 36. The Defendants publicly displayed, and continue to publicly display, an
9 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive
10 rights under 17 U.S.C. § 106(5).

11 37. The Tattoo Guide has willfully engaged in the copyright infringement of the
12 Work.

13 38. Mr. Larrabee has willfully engaged in the copyright infringement of the Work.

14 39. The Defendants' acts as alleged herein, and the ongoing direct results of those
15 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
16 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

17 40. Unless the Defendants are preliminarily and permanently enjoined from further
18 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
19 entitled to preliminary and permanent injunctive relief against further infringement by the
20 Defendants of the Work, pursuant to 17 U.S.C. § 502.

21
22 **PRAYER FOR RELIEF**

23 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

24 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
25 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related
26 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
27 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
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1 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
2 directing, participating in, or assisting in any such activity;

3 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies
4 or electronic copies:

5 a. All evidence and documentation relating in any way to the Defendants'
6 use of the Work, in any form, including, without limitation, all such evidence and
7 documentation relating to the Website;

8 b. All evidence and documentation relating to the names and addresses
9 (whether electronic mail addresses or otherwise) of any person with whom the
10 Defendants have communicated regarding the Defendants' use of the Work; and

11 c. All financial evidence and documentation relating to the Defendants' use
12 of the Work;

13 3. Direct Name.com LLC, and any successor domain name registrar for the Domain,
14 to lock the Domain and transfer control of the Domain to Righthaven;

15 4. Award Righthaven statutory damages for the willful infringement of the Work,
16 pursuant to 17 U.S.C. § 504(c);

17 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
18 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

19 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
20 law; and

21 7. Grant Righthaven such other relief as this Court deems appropriate.
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DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated this thirtieth day of November, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons

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